

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVANTS- Municipal Administration Department- Allegation of Corruption against Sri.K.Mallappa, the then Senior Assistant, Serilingampally Municipality- Departmental action conducted - Major penalty of "Reversion to lower category of Junior Assistant" imposed - Implementing the Hon'ble A.P. Administrative Tribunal orders dated 23.3.2011 in O.A.No.2508/2008 - Further action dropped, duly rescinding the said punishment- Orders- Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.IV.1)
DEPARTMENT

G.O.Ms.No. 553

Dated:17-12-2011

Read the following:

1. From the Director-General, Anti Corruption Bureau, Hyderabad, letter Rc.No.134/RCO-CR/97, Dt:18.5.2000.
2. G.O.Rt.No.52,MA&UD(N1) Department, dated 22.1.2004.
3. Written Statement of Defense of Sri.K.Mallappa, dated nil.
4. Govt. Memo No.2893/Vig.IV.1/2001-5,dated 14.5.2004.
5. Representation of Sri.K.Mallappa, former Senior Assistant, dated 15.6.2006.
6. From the Secretary, A.P. Public Service Commission, Hyd., Lr.No. 1573/Rt-1/3/2007,Dt:22.11.2007.
7. G.O.Ms.No.204,M.A.&U.D(Vig.IV.1)Department, Dt: 7.3.2008
8. Hon'ble A.P. Administrative Tribunal orders dated 23.03.2011, in O.A.No.2508/2008, filed by Sri.K.Mallappa, working as Manager, O/o Bhongir Municipality.
9. From the Commissioner & Director, Municipal Administration, Hyderabad, Lr.Rc.No.1676/2004-E3,Dt:19.4.2011.

ORDER:-

It has been brought to the notice of the Government by the Competent Authority, that Sri.K.Mallappa, former Senior Assistant, Serilingampally Municipality, issued incorrect ownership certificate in respect of Sri. A.Bhasker Kiran, which amounts to violation of A.P. Civil Services (Conduct) Rules,1964. Therefore, in the G.O. 1st read above the following charge was framed against him calling for his defense statement.

"Sri.K.Mallappa joined the Government service on 8.12.1990 as Record Keeper. While working as Senior Assistant in the O/o Municipal Commissioner, Serilingampally, Ranga Reddy District, committed grave misconduct in as much as he is responsible for issuing incorrect ownership certificate in favour of Sri.A.Bhasker Kiran ie., No.C/1069/97, dated 21.05.1997 and in violation of A.P. Civil Services(Conduct)Rules,1964"

2. As the explanation submitted by the Charged Officer was not convincing, Government in the reference 4th read above, have appointed Sri.B.V.Gangadhar Reddy, former Municipal Commissioner, Gaddiannaram Municipality as Inquiry Authority, under Rule 20(2) of A.P. Civil Services (C.C.&A) Rules, 1991, to enquire into the charges framed against the Charged Officer Sri. K.Mallappa, Senior Assistant, Serilingam Municipality. The Inquiry Officer, in his enquiry report held the charges framed against the Charged Officer, as proved. Government, after examining the matter and duly following the procedure as laid down under Rule 20 of A.P. Civil Services (C.C.&A) Rules, 1991, in consultation with the appropriate authority, in the G.O. 7th read above, have imposed major punishment of "Reversion to lower cadre of Junior Assistant" against the Charged Officer Sri.K.Mallappa.

3. Aggrieved by the said orders in the 7th read above, Sri.K.Mallappa former Senior Assistant, presently working as Manager, Bhongir Municipality, has filed O.A.No.2508/2008, in the A.P. Administrative Tribunal, Hyderabad, to set-aside the above said punishment orders.

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4. The Hon'ble A.P. Administrative Tribunal, while allowing the O.A. No. 2508/2008, in its orders dated 23.3.2011, disposed the case with the following direction;

" It is seen that the applicant has been in service right from 1980. At no point of time, he was visited with any sort of adverse memo except the proceedings which results in issuance of the impugned orders. The punishment meted out to the applicant on the basis of an enquiry report which is based on a forced statement that was obtained by the Enquiry Officer on 22.11.2005 in the office of the ACB. The Enquiry Officer could not have relied on such a statement. No prudent person can come to conclusion that when the delinquent official initially denied the charges in toto, would make the admission statement during the course of enquiry that too subsequent to recording of earlier depositions.

Therefore, the disciplinary authority without appreciating the contentions raised by the applicant in his reply to the show cause notice and also objection to the Enquiry Officer's report has proceeded to make an order of punishment which is amounting to denial of reasonable opportunity to the applicant.

Having regard to the facts and circumstances and for the foregoing reasons, the impugned orders in G.O.Rt.No.204, MA, dated 7.3.2008 are liable to be set aside and accordingly they are set aside. The O.A. is allowed."

5. In the reference 9th read above, the Commissioner and Director, Municipal Administration, requested the Government for necessary orders, in the light of the Hon'ble A.P. Administrative Tribunal orders dated 23.3.2011, in O.A.No. 2508/2008.

6. Government, in the light of the Hon'ble A.P. Administrative Tribunal orders dated 23.3.2011, in O.A.No. 2508/2008, have examined the matter and decided to implement the said Hon'ble A.P. Administrative Tribunal orders, by dropping further action, duly rescinding the orders issued in the reference 7th read above wherein reverting Sri.K. Mallappa, formerly Senior Assistant at Serilingampally Municipality, to lower rank of Junior Assistant.

7. Accordingly Government, hereby drop further action against Sri.K.Mallappa, former Senior Assistant, presently working as Manager, Bhongir Municipality, duly rescinding the orders issued in the G.O.Ms.No.204, M.A.&U.D (Vig.IV.1) Department, Dt:7.3.2008.

8. The Director, Municipal Administration, Hyderabad, shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri.G.Mallappa, former Senior Assistant, Serilingampally Municipality, presently, Manager Bhongir Municipality, **through** the Director, Municipal Administration, Hyderabad.

The Director, Municipal Administration, Hyderabad

Copy to:

The Director-General, Anti Corruption Bureau, Hyderabad.

The Secretary, A.P.Public Service Commission, Hyderabad

The Secretary, A.P. Vigilance Commission, Hyderabad

//FORWARDED BY ORDER//

SECTION OFFICER